

WA/CWK
11/02/06
Item No. 29B

A RESOLUTION**2006R-11-02-1255****APPROVING THE FORMATION, CREATION, PROPOSED ARTICLES OF INCORPORATION AND BYLAWS OF THE "CITY OF SAN ANTONIO WESTSIDE DEVELOPMENT CORPORATION".**

* * * * *

WHEREAS, the City of San Antonio, Texas (the "City") is a duly created political subdivision of the State of Texas operating as a home-rule municipality pursuant to the Constitution and laws of the State of Texas and its City Charter; and

WHEREAS, in order to accomplish various governmental purposes, the City has been granted certain powers, including but not limited to the power to:

(i) promote state and local economic development and stimulate business and commercial activity in the City (Chapter 380, Texas Local Government Code);

(ii) develop and diversify the economy of this State and eliminate unemployment or underemployment in this State (Chapter 1509, Texas Government Code);

(iii) develop viable urban communities by providing decent housing, a suitable living environment and expanding economic opportunities for persons of low and moderate income (Chapter 373, Texas Local Government Code);

(iv) increase the public health, safety and welfare of persons in the City (Chapter 378, Texas Local Government Code);

(v) develop employment, industrial and health resources within the City (Chapter 1433, Texas Government Code);

(vi) acquire, construct, improve, enlarge, equip, operate, and maintain parking and transportation facilities within the City (Chapter 1506, Subchapter D, Texas Government Code);

(vii) acquire, encumber, construct, maintain, operate, repair, or remodel health and recreational facilities within the City (Chapter 1508, Subchapter C, Texas Government Code);

(viii) promote development or redevelopment of an area of the City that would not occur solely through private investment; and to develop and diversify the economy, eliminate unemployment and underemployment, and develop or expand transportation, business, and commercial activity (Chapter 311, Tax Code); and

(ix) adopt, modify and carry out plans for the clearance and redevelopment of slum districts or blighted areas within the city, as such districts or areas may be defined by ordinance as to character, nature, location and extent (City Charter, Article I, Section 3, Paragraph 5); and

WHEREAS, in furtherance of the accomplishment of such governmental purposes the City is

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authorized to engage in, undertake and perform various powers, functions, activities, programs and projects related to the accomplishment of such governmental purposes as authorized in the laws, statutes, and Constitution of the State, and the City Charter, including, without limitation, Article III, Section 52a of the Texas Constitution; Chapters 373 and 380, Texas Local Government Code; Chapters, 1433, 1506 (Subchapter D), 1508 (Subchapter C), and 1509, Texas Government Code; Chapter 311, Tax Code; and Article I, Section 3, Paragraph 5 of the City Charter; and

WHEREAS, the City is further authorized by Subchapter D of Chapter 431, Texas Transportation Code, as amended (the "Act"), upon receipt of a written application from at least three residents of the City, who are citizens of the State of Texas and at least 18 years of age, to create of a nonprofit local government corporation to aid and act on behalf of the City to accomplish a governmental purpose of the City; and

WHEREAS, a written application from four qualified residents of the City has been filed with the City Council for the creation of a nonprofit local government corporation in accordance with the provisions of the Act, to aid and act on behalf of the City to accomplish the governmental purposes of the City described above within the near west-side portion of the City (identified in Exhibit A), which is an area where economic, industrial, commercial and community development, urban redevelopment, and the promotion or development of new or expanded business enterprises, and job creation is needed; and

WHEREAS, the meeting at which this Resolution was passed was open to the public, and public notice of the time, place and purpose of said meeting was given, all as required by Chapter 551, Texas Government Code; **NOW THEREFORE**:

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Findings. The formation of a nonprofit local governmental corporation is wise, expedient, necessary or advisable and is in the public interest and to the benefit of the City and its citizens that a nonprofit local government corporation be authorized and created pursuant to the provisions of the Act to aid and act on behalf of the City to accomplish such governmental purposes. A copy of the written application from three qualified residents of the City that was filed with the City Council for the creation of a nonprofit local government corporation in accordance with the provisions of the Act, to aid and act on behalf of the City to accomplish the governmental purposes of the City described above within the near west-side portion of the City is attached as Exhibit A.

SECTION 2. Authorization and Approval for Formation of a Local Government Corporation. The formation, under Chapter 431, Subchapter D, Texas Transportation Code, as amended (the "Act"), of a nonprofit local government corporation to act on behalf of the City, to be known as the "City of San Antonio Westside Development Corporation" (the "WDC"), with all powers granted to such corporations in the Act, and in the constitutional, statutory, and City Charter provisions described in the recitals above and in any other law related to such governmental purpose as may be passed, adopted or amended from time to time, including without limitation the powers to undertake, operate, perform the powers, functions, activities, programs, and projects described in such laws, to accomplish the governmental purposes of the City in the recitals contained above in this Resolution; provided, however, that the WDC shall have no power to tax or acquire property by condemnation.

SECTION 3. Approval of Proposed Articles of Incorporation and Bylaws. (a) The Articles of Incorporation and the Bylaws (attached as Exhibit B) proposed to be used in organizing and operating

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the WDC are approved.

SECTION 4. Authorization for Incorporation. Authority for the incorporation of the WDC is granted, pursuant to Sections 431.101 and 431.102 of the Act.

SECTION 5. Incorporation of Recitals. The statements set forth in the recitals of this Resolution are true and correct, and incorporated as a part of this Resolution.

SECTION 6. Severability. If any provision of this Resolution or the application of any provision of this Resolution to any circumstance shall be held to be invalid, the remainder and the application of the remainder of this Resolution to other circumstances shall nevertheless be valid, and this Resolution would have been enacted without such invalid provision.

SECTION 7. Effective Date. This Resolution shall become effective immediately upon the receipt of eight (8) affirmative votes.


PASSED AND APPROVED this 2nd day of November 2006.


MAYOR
PHIL HARDBERGER

ATTEST:


City Clerk

APPROVED AS TO FORM:


for City Attorney

CERTIFICATE FOR RESOLUTION

I, the undersigned City Clerk of the City of San Antonio, Texas (the "City"), hereby certify as follows:

1. The City Council of the City convened in regular meeting on the 2nd day of November 2006 at the designated meeting place, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Phil Hardberger, Mayor
Roger O. Flores, Councilmember
Sheila D. McNeil, Councilmember
Roland Gutierrez, Councilmember
Richard Perez, Councilmember
Patti Radle, Councilmember

Delicia Herrera, Councilmember
Elena Guajardo, Councilmember
Art A. Hall, Councilmember
Kevin Wolff, Councilmember
Christopher "Chip" Haass, Councilmember

and all of said persons were present, except the following absentees: none, thus constituting a quorum. Among other business, the following was transacted at said Meeting: a written Resolution No. 2006R-11-02-1255, entitled:

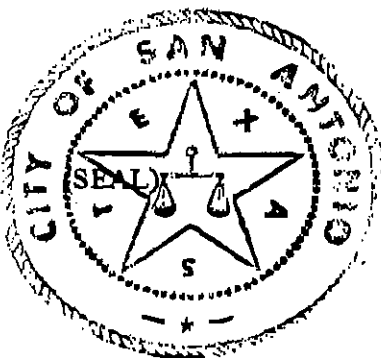
APPROVING THE FORMATION, CREATION, PROPOSED ARTICLES OF INCORPORATION AND BYLAWS OF THE "CITY OF SAN ANTONIO WESTSIDE DEVELOPMENT CORPORATION".

was duly introduced for the consideration of the City Council, then duly moved and seconded that said Resolution be passed; and, after due discussion, said motion, carrying with it the passage of said Resolution, prevailed and carried by the following vote:

AYES: 11 NOES: 0 ABSTENTIONS: 0

2. A true, full and correct copy of the Resolution passed at the Meeting described above is attached to and follows this Certificate; the Resolution has been duly recorded in the City Council's Meeting minutes; the above caption is a true, full and correct excerpt from the Meeting minutes pertaining to the passage of the Resolution; the persons named above are the duly chosen, qualified and acting officers and members of the City Council; each Councilmember was duly, sufficiently, officially and personally notified in advance of the time, place and purpose of the Meeting, and that the Resolution would be introduced and considered for passage at the Meeting, and each Councilmember consented, in advance, to the holding of the Meeting for such purpose; the Meeting was open to the public and public notice of the time, place and purpose of said Meeting was given, all as required by Texas Government Code, Chapter 551.

SIGNED AND SEALED the 3rd day of November 2006.



Rolando L. Ledesma
Asst. City Clerk, City of San Antonio, Texas

EXHIBIT A

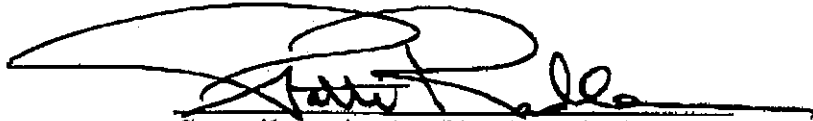
**APPLICATION FOR INCORPORATION OF A
NONPROFIT LOCAL GOVERNMENT CORPORATION
TO ACT ON BEHALF OF THE CITY OF SAN ANTONIO, TEXAS**

We, the three undersigned natural persons, each of whom is at least 18 years of age, residents of the City of San Antonio (the "City") and citizens of the State of Texas, request that the San Antonio City Council authorize and approve the creation of a nonprofit local government corporation to act on behalf of the City pursuant to Subchapter D of Chapter 431, Texas Transportation Code, as amended, to be known as the "*CITY OF SAN ANTONIO WESTSIDE DEVELOPMENT CORPORATION*." The Articles of Incorporation and the Bylaws proposed to be used in organizing the nonprofit local government corporation are attached and made a part of this application for all purposes.

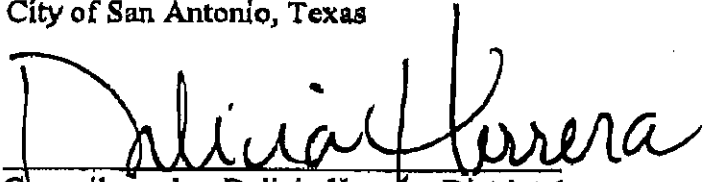
EXECUTED this 2nd day of November 2006.



Councilmember Roger O. Flores, District 1
City of San Antonio, Texas



Councilmember Patti Radle, District 5
City of San Antonio, Texas



Councilmember Delicia Herreza, District 6
City of San Antonio, Texas



Councilmember Elena Guajardo, District 7
City of San Antonio, Texas